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JOHN DOE subscriber assigned IP address 98.147.178.21

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Defendant JOHN DOE subscriber assigned IP address 98.147.178.21 (hereinafter “John Doe” or “defendant”) by and through counsel hereby answers Plaintiff Strike 3 Holding’s (“S3H” or “Strike 3”) first amended complaint for copyright infringement and asserts defendant’s affirmative defenses.

Introduction

1. With regard to paragraph 1, John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

2. With regard to paragraph 2, John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

3. With regard to paragraph 3, John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

4. With regard to paragraph 4, deny.

5. With regard to paragraph 5, John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

6. With regard to paragraph 6, John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

7. With regard to paragraph 7, admit.

Jurisdiction and Venue

8. With regard to paragraph 8, jurisdiction not contested.

9. With regard to paragraph 9, jurisdiction not contested, John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made, and deny subsections (i) to (iii).

10. With regard to paragraph 10, venue not contested; deny factual allegations or inferences made.

Parties

11. With regard to paragraph 11, John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

12. With regard to paragraph 12, admitted as to Defendant's identity and address.

1
2 Factual Background
3

4 13. With regard to paragraph 13, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
5

6 14. With regard to paragraph 14, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
7

8 15. With regard to paragraph 15, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
9

10 16. With regard to paragraph 16, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
11

12 17. With regard to paragraph 17, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
13

14 18. With regard to paragraph 18, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
15

16 19. With regard to paragraph 19, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
17

18 20. With regard to paragraph 20, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
19

20 21. With regard to paragraph 21, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
21

22 22. With regard to paragraph 22, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
23

24 23. With regard to paragraph 23, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
25

26 24. With regard to paragraph 24, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.
27

28 25. With regard to paragraph 25, John Doe has no specific knowledge of the
allegations made herein, so therefore denies the allegations made.

1 26. With regard to paragraph 26, John Doe has no specific knowledge of the
2 allegations made herein, so therefore denies the allegations made.

3 27. With regard to paragraph 27, John Doe has no specific knowledge of the
4 allegations made herein so therefore denies the allegations made.

5 28. With regard to paragraph 28, John Doe has no specific knowledge of the
6 allegations made herein, so therefore denies the allegations made.

7 29. With regard to paragraph 29, John Doe has no specific knowledge of the
8 allegations made herein, so therefore denies the allegations made.

9 30. With regard to paragraph 30, John Doe has no specific knowledge of the
10 allegations made herein, so therefore denies the allegations made.

11 31. With regard to paragraph 31, John Doe has no specific knowledge of the
12 allegations made herein, so therefore denies the allegations made.

13 32. With regard to paragraph 32, John Doe has no specific knowledge of the
14 allegations made herein, so therefore denies the allegations made.

15 33. With regard to paragraph 33, John Doe has no specific knowledge of the
16 allegations made herein, so therefore denies the allegations made.

17 34. With regard to paragraph 34, John Doe has no specific knowledge of the
18 allegations made herein, so therefore denies the allegations made.

19 35. With regard to paragraph 35, John Doe has no specific knowledge of the
20 allegations made herein, so therefore denies the allegations made.

21 36. With regard to paragraph 36, John Doe has no specific knowledge of the
22 allegations made herein, so therefore denies the allegations made.

23 37. With regard to paragraph 37, John Doe has no specific knowledge of the
24 allegations made herein, so therefore denies the allegations made.

25 38. With regard to paragraph 38, John Doe has no specific knowledge of the
26 allegations made herein, so therefore denies the allegations made.

27 39. With regard to paragraph 39, John Doe has no specific knowledge of the
28 allegations made herein, so therefore denies the allegations made.

1 40. With regard to paragraph 40, John Doe has no specific knowledge of the
2 allegations made herein, so therefore denies the allegations made.

3 41. With regard to paragraph 41, John Doe has no specific knowledge of the
4 allegations made herein, so therefore denies the allegations made.

5 42. With regard to paragraph 42, John Doe has no specific knowledge of the
6 allegations made herein, so therefore denies the allegations made.

7 43. With regard to paragraph 43, John Doe has no specific knowledge of the
8 allegations made herein, so therefore denies the allegations made.

9 44. With regard to paragraph 44, John Doe has no specific knowledge of the
10 allegations made herein, so therefore denies the allegations made.

11 45. With regard to paragraph 45, John Doe has no specific knowledge of the
12 allegations made herein, so therefore denies the allegations made.

13 46. With regard to paragraph 46, John Doe has no specific knowledge of the
14 allegations made herein, so therefore denies the allegations made.

15 47. With regard to paragraph 47, John Doe has no specific knowledge of the
16 allegations made herein, so therefore denies the allegations made.

17 48. With regard to paragraph 48, John Doe has no specific knowledge of the
18 allegations made herein, so therefore denies the allegations made.

19 49. With regard to paragraph 49, John Doe has no specific knowledge of the
20 allegations made herein, so therefore denies the allegations made.

21 50. With regard to paragraph 50, John Doe admits that Strike 3 has
22 requested this relief under the Copyright Act, but denies Strike 3 is entitle to such
23 relief.

24 51. John Doe has no specific knowledge of the allegations made herein, so
25 therefore denies the allegations made.

26 52. John Doe has no specific knowledge of the allegations made herein, so
27 therefore denies the allegations made.

1 53. John Doe has no specific knowledge of the allegations made herein, so
2 therefore denies the allegations made.

3 54. John Doe has no specific knowledge of the allegations made herein, so
4 therefore denies the allegations made.

5 55. John Doe has no specific knowledge of the allegations made herein, so
6 therefore denies the allegations made.

7 56. John Doe has no specific knowledge of the allegations made herein, so
8 therefore denies the allegations made.

9 57. Admitted that John Doe's home is a single-family home.

10 58. John Doe has no specific knowledge of the allegations made herein, so
11 therefore denies the allegations made.

12 59. Admitted that John Doe owns the home during the alleged period of
13 infringement, denied that John Doe was present in the home for all the alleged
14 infringements.

15 60. Denied that the only other occupants were John Doe's wife and parent.

16 61. John Doe has no specific knowledge of the allegations made herein, so
17 therefore denies the allegations made.

18 62. John Doe has no specific knowledge of the allegations made herein, so
19 therefore denies the allegations made.

20 63. John Doe has no specific knowledge of the allegations made herein, so
21 therefore denies the allegations made.

22 64. John Doe has no specific knowledge of the allegations made herein, so
23 therefore denies the allegations made.

24 65. John Doe has no specific knowledge of the allegations made herein, so
25 therefore denies the allegations made.

26 66. Admitted that John Doe owns such a company.

27 67. John Doe has no specific knowledge of the allegations made herein, so
28 therefore denies the allegations made.

68. Admitted that John Doe updated his business listing with the California Secretary of State, otherwise John Doe has no specific knowledge of the allegations made herein and denies the statement he tried to “hide” any information as such information is already a record, so therefore denies the allegations made.

COUNT I

Direct Copyright Infringement

69. John Doe incorporates by reference the statements made in paragraphs 1-68 in this Answer.

70. John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

71. John Doe denies.

72. John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

73. John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

74. John Doe has no specific knowledge of the allegations made herein, so therefore denies the allegations made.

WHEREFORE, John Doe respectfully requests that S3H be denied such relief as requested in their prayer in paragraphs 73 and 74 of the complaint, and award John Doe reasonable attorney fees and costs pursuant to statute and any other relief this Court may grant.

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2 **AFFIRMATIVE DEFENSES**
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4 While John Doe has not infringed the works at issue, he is raising these
5 affirmative defenses as is his right and should not be deemed an admission of
6 infringement.
7

8 **I. FAILURE TO MITIGATE DAMAGES**
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10 1. S3H has made no attempt to mitigate any actual or perceived damages,
11 including but not limited to sending out DMCA take-down notices to the ISP for the
12 IP address. The cost of sending DMCA notices is practically nil compared to the cost
13 of filing a lawsuit and the process of sending DMCA notices can be automated. The
14 sending of DMCA notices to the ISP can result in the termination of the Internet
15 account, solving the alleged problem for S3H. Further, S3H can identify the bittorrent
16 “initial seeders” of the works at issue and take appropriate action, such as, either by
17 corrupting the swarms, or by filing lawsuits against the seeders, rather, they actively
18 encourage such seeding.
19

20 **II. WAIVER AND IMPLIED LICENSE**
21

22 2. S3H has waived its copyrights by simultaneously distributing free
23 versions of its movies across numerous websites, with no obligation by the consumer
24 to purchase those movies.
25

26 **III. COPYRIGHT MISUSE**
27

28 3. S3H’s litigation strategy of “mass litigation” without taking the
29 preventative steps allow for under the DMCA to resolve such disputes in a low cost
30 fashion overburdens limited Federal court resources that could be devoted to
31 cognizable claims. *Omega S.A. v. Costco Wholesale Corp*, 776 F.3d 692, 700 (9th Cir.
32 2015).
33

1
2 **V. FAILURE TO JOIN NECESSARY PARTIES**
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4 4. S3H has failed to join all actual and potential joint infringers including,
5 but not limited to, other participants in the BitTorrent swarm and the website that
6 hosted the “.torrent” file.
7

8 **VII. SINGLE SATISFACTION AND EQUITABLE OFFSET**
9

10 5. Defendant claims that other members of the same torrent hash have
11 settled barring further recovery. Further, Defendant is entitled to an equitable offset
12 based on prior settlements for the same work.
13

14 **VIII. STANDING**
15

16 6. Defendant lacks standing to bring these claims as they are not the owner
17 of the copyright.
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2 **JOHN DOE'S PRAYER FOR RELIEF**
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4 John Doe respectfully prays and judgment entered as follows on the counterclaim:

- 5 A. That John Doe did not infringe Strike 3's works as listed on Exhibit A;
6 B. That Strike 3 be enjoined from enforcing their copyrights as list on Exhibit
7 A in equity for failing to send DMCA notices to alleged infringers;
8 C. That John Doe is the prevailing party under the Copyright Act;
9 D. That John Doe be entitled to reasonable attorney fees under the Copyright
10 Act;
11 E. That John Doe be entitled to costs of suit; and
12 F. That John Doe be entitled to any other relief that this Court may allow.

13 Respectfully submitted,

14 Dated: July 16, 2025

15 /s/ J. Curtis Edmondson

16 J. Curtis Edmondson
17 Edmondson IP Law
18 Attorney for Defendant John Doe

DEMAND FOR JURY TRIAL

John Doe hereby demands a trial by jury.

Respectfully submitted,

Dated: July 16, 2025

/s/ J. Curtis Edmondson

J. Curtis Edmondson

Edmondson IP Law

Attorney for Defendant

Attorney for Defendant John Doe